

July 31, 2014

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, PS Docket No. 11-153

Dear Ms. Dortch:

On July 29, 2014, the following individuals representing wireless service providers (the “parties”) met with Erin McGrath, legal advisor to Commissioner O’Rielly and Brendan Carr, legal advisor to Commissioner Pai, to discuss issues in the above referenced proceeding: Nneka Chiazor and Gregory Romano of Verizon; Joe Marx and William Brown of AT&T; Ray Rothermel of Sprint; and Eric Hagerson of T-Mobile and Kristine Devine of Harris, Wiltshire & Grannis, counsel for T-Mobile. On July 30, 2014, the following individuals met to discuss those same issues with Daniel Alvarez, legal advisor to Chairman Wheeler and Jeff Shaw, an intern in the Chairman’s office, Louis Peraertz, legal advisor to Commissioner Clyburn and Laura Arcadipane and Sharon Lin, interns in Commissioner Clyburn’s office, David Goldman, legal advisor to Commissioner Rosenworcel, and David Simpson, David Furth and Erika Olsen of the Public Safety and Homeland Security Bureau: Nneka Chiazor and Robert Morse of Verizon; Joe Marx and William Brown of AT&T; Ray Rothermel of Sprint; Eric Hagerson of T-Mobile and Kristine Devine of Harris, Wiltshire & Grannis, counsel for T-Mobile.

At the meetings, the parties discussed potential policy and technical concerns associated with any new requirements being considered to place on wireless service providers related to enabling over-the-top (“OTT”) interconnected text messaging providers to transmit 911 text messages to Public Safety Answering Points (“PSAPs”) via the short messaging service (“SMS”) network of the user’s underlying wireless service provider. Should the Commission adopt any new requirements for the underlying wireless service provider in this area, it should make clear that:

- Compliance with any text-to-911 obligation on OTT providers would be the sole responsibility of the OTT provider.
- Any requirements for wireless service providers would apply only insofar as they offer SMS via a legacy wireless network. They would not, for example, apply to wireless service providers’ IP-enabled text messaging services and networks.
- Any rule would be limited to an obligation to not impede the transmission or delivery of 911 text messages from covered OTT text messaging users, *provided that* (1) the 911 text message is technically compatible with the wireless service provider’s SMS networks and devices and in conformance with applicable technical standards, and (2) the user and the device are covered by a service plan that includes SMS.
- Any rule would not specify or require any contractual or other commercial terms or conditions to govern the relationships between OTT providers and wireless service providers, nor would it

presume that a direct commercial relationship between them is necessary. Covered OTT providers will likely need to work directly with Operating System (“OS”) providers and device manufacturers to enable their applications to utilize a device’s SMS capabilities.

- Any responsibilities to educate users about how text-to-911 might work for a particular OTT text messaging application would reside solely with the OTT application provider. Otherwise, allowing OTT text messaging applications to use SMS capability to satisfy their text-to-911 obligation may create customer confusion and defeat the purpose of allowing users to reach 911 via their preferred OTT application. For example, OTT providers may want to educate end users that the bounce-back message or the PSAP’s return message may appear in the device’s SMS interface, rather than the OTT application’s interface.

These parameters will provide OTT text messaging providers interested in pursuing an SMS-based solution with a meaningful option for implementing text-to-911, while also recognizing service providers’ limited role in today’s wireless device ecosystem. They would provide OTT text message providers with incentives to work directly with OS providers and device manufacturers to develop device-level capabilities compatible with existing wireless networks. They also would provide OTT providers with appropriate incentives to develop their own text-to-911 solutions that are not dependent on the underlying legacy wireless networks.

The parties also discussed the potential for text-to-911 roaming and location accuracy proposals in a forthcoming *Further Notice of Proposed Rulemaking*. The parties emphasized that because of the interim nature of SMS-based text-to-911 solutions and technical limitations of existing SMS networks and services, the Commission should focus on the roaming and location capabilities of IP-enabled services such as those associated with NG911, and not propose implementation deadlines at this time.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.

Sincerely,



cc: Daniel Alvarez
Louis Peraertz
David Goldman
Brendan Carr
Erin McGrath
David Simpson
David Furth
Erika Olsen
Parties’ Representatives